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MEREDITH MAEDA and SARAH GRONNA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 18 2006
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAII DEPARTMENT
OF EDUCATION; PATRICIA
HAMAMOTO, Superintendent of
Hawai'i Schools, MEREDETH
MAEDA, Principal, Castle High
School; SARA GRONNER OR
GRONNA, Vice Principal of Castle
High School,

Defendants.

CIVIL NO. 04-00390 JMS-KSC

CONCISE STATEMENT OF FACTS
IN SUPPORT OF DEFENDANT
STATE OF HAWAII,
DEPARTMENT OF EDUCATION'S
MOTION FOR SUMMARY
JUDGMENT; CERTIFICATE OF
SERVICE

CONCISE STATEMENT OF FACTS IN SUPPORT
OF DEFENDANT STATE OF HAWAII, DEPARTMENT OF
EDUCATION'S MOTION FOR SUMMARY JUDGMENT

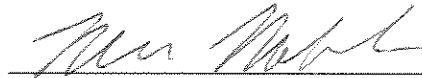
Pursuant to Rule 56.1(b) of the Local Rules of Practice of the United States District Court for the District of Hawai'i, Defendant State of Hawaii, Department of Education, hereby submits its separate concise statement of facts in support of its Motion for Summary Judgment:

FACTS	EVIDENTIARY SUPPORT
The Home-Hospital Instructional Services program administered out of the Windward District Office of the Department of Education is a program that provided instruction, by tutors, to students of that district who were not able to attend school because of medical reasons.	Declaration of Beverly Reidy, ¶ 3 Declaration of Martin Mattison, ¶ 2
Similarly, the Home-Hospital Instructional Services program administered out of the Honolulu District Office is a program that provided instruction, by tutors, to students of that district who were not able to attend school because of medical reasons.	Declaration of Pauline Kokubun, ¶ 2.
The program in both the Windward and Honolulu District Offices maintained a pool of teachers willing to serve as tutors.	Declaration of Beverly Reidy, ¶ 4. Declaration of Martin Mattison, ¶ 4 Declaration of Pauline Kokubun, ¶ 3.

The program assigned tutors on a rotating basis that allowed for all the available persons to obtain assignments on a fair basis, for the good of the students.	Declaration of Beverly Reidy, ¶ 4. Declaration of Martin Mattison, ¶ 4. Declaration of Pauline Kokubun, ¶ 3.
This method was used in order to maintain the number of teachers in the pool that the program could call upon.	Declaration of Beverly Reidy, ¶ 4. Declaration of Martin Mattison, ¶ 4. Declaration of Pauline Kokubun, ¶ 3.
Helen Sanpei is the principal the McKinley School for Adults.	Declaration of Helen Sanpei, ¶ 1
As the principal Ms. Sanpei has the responsibility for hiring teachers for the various classes held at the school.	Declaration of Helen Sanpei, ¶ 2
The teachers are casual part time employees and hired by the principal to teach particular classes for one semester at a time.	Declaration of Helen Sanpei, ¶ 3
The McKinley Community School for Adults holds classes during three semesters each year. The fall semester begins in month of August and ends in the month of November. The spring semester begins in the month of February and ends in the month of May. The summer semester begins in the month of June and ends in the month of July.	Declaration of Helen Sanpei, ¶ 4
Prior to the start of each semester, the principal makes decisions to hire teachers for the coming semester.	Declaration of Helen Sanpei, ¶ 4

The Plaintiff was hired to teach the GED class in the fall semester of 2002 and spring semester of 2003.	Declaration of Helen Sanpei, ¶ 5
Near the end of the spring semester of 2003, the principal notified the Plaintiff that he would not be needed to teach the course during the succeeding semester.	Declaration of Helen Sanpei, ¶ 6
The Plaintiff completed teaching the GED class in the spring of 2003.	Declaration of Helen Sanpei, ¶ 7
The Plaintiff was not hired to teach the class in the succeeding semester because of a smaller enrollment of students would support only one class and a more qualified teacher was selected to teach that class.	Declaration of Helen Sanpei, ¶ 6

DATED: Honolulu, Hawai'i, December 18, 2006.



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CIVIL NO. 04-00390 JMS-KSC

CERTIFICATE OF SERVICE

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I hereby certify that one copy of foregoing was duly served by
deposit in the United States mail, postage prepaid, to the following address on
December 18, 2006:

ANDRE S. WOOTEN, ESQ.
Century Square, Suite 1909
1188 Bishop Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, December 18, 2006.


NELSON Y. NABETA